

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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CHRISTIAN A. GARRAMONE,

Plaintiff,

vs

6:07-CV-920

SGT. STEVEN HAUCK, Individually, and as  
a member of the City of Utica Police Department;  
C. ALLEN PYLMAN, Individually, and as Chief  
of Police of the City of Utica Police Department;  
CITY OF UTICA; and CITY OF UTICA POLICE  
DEPARTMENT,

Defendants.

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APPEARANCES:

OF COUNSEL:

NORMAN P. DEEP, ESQ.  
Attorney for Plaintiff  
6599 Martin Street  
Rome, New York 13440

A.J. BOSMAN, ESQ.  
Attorney for Plaintiff  
6599 Martin Street  
Rome, New York 13440

OFFICE OF CORPORATION COUNSEL  
for CITY OF UTICA  
Attorneys for Defendants  
One Kennedy Plaza  
Utica, New York 13502

JOHN P. ORILIO, ESQ.

DAVID N. HURD  
United States District Judge

**ORDER**

The trial in the above matter was held on January 25 - 27, 2010 in Utica, New York.

Plaintiff stipulated to the dismissal of all claims except excessive force pursuant to 18

U.S.C. § 1983, and state battery claim against defendant Sgt. Steven Hauck and

municipal liability. The defendant City of Utica stipulated to assume responsibility for payment of any final monetary judgment for compensatory and/or punitive damages against defendant Sgt. Steven Hauck.

At the close of plaintiff's evidence, and upon motion of the defendants, all claims against defendant C. Allen Pylman and the 18 U.S.C. § 1983 claims against the defendant City of Utica were dismissed.

The excessive force pursuant to 18 U.S.C. § 1983 and state battery claim against defendant Sgt. Steven Hauck were submitted to the jury. The jury was unable to reach a unanimous decision and a mistrial was declared.

Therefore, it is

ORDERED, that

1. All causes of action except excessive force under 18 U.S.C. § 1983 and state battery are DISMISSED;
2. The complaint against defendant C. Allen Pylman is DISMISSED;
3. The complaint against defendant City of Utica is DISMISSED except as respondeat superior for any state battery verdict against defendant Sgt. Steven Hauck;
4. Defendant City of Utica shall pay any final monetary judgment for compensatory and/or punitive damages against defendant Sgt. Steven Hauck; and
5. A re-trial date will be set for the remaining claims against defendant Sgt. Steven Hauck and the City of Utica.

IT IS SO ORDERED.

Dated: February 2, 2010  
Utica, New York.

  
United States District Judge

